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ENDORSED
FILED
San Francisco County Superior Court

MAY 09 2006

GORDON PARK-LI, Clerk
BY: DONNA K. LOK
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE CITY AND COUNTY OF SAN FRANCISCO
UNLIMITED CIVIL JURISDICTION

RUSSELL BRIMER,
Plaintiff,
vs.
FAYGO BEVERAGES, INC.;
NEWBEVCO, INC.; and DOES 1 through
150, inclusive,
Defendants.

Case No. CGC-05-447595
~~proposed~~ ORDER GRANTING MOTION
TO QUASH SERVICE OF PROCESS UPON
FAYGO BEVERAGES, INC.
From Hearing Held:
Date: April 14, 2006
Time: 9:30 a.m.
Dept.: 301

The "Motion to Dismiss, or to Quash Service of Summons, for Lack of Personal Jurisdiction ..." filed by specially appearing defendant Faygo Beverages, Inc., was heard as scheduled on April 14, 2006. The court, having read and considered all papers filed in support of the motion and in opposition to it, having considered all admissible evidence, and having heard the arguments of counsel, finds no basis for California courts asserting either general or special jurisdiction over Faygo Beverages, Inc. The motion to quash service of summons upon Faygo Beverages, Inc., is hereby GRANTED, and the summons served by plaintiff upon Faygo Beverages, Inc., is quashed.

SO ORDERED.

Dated: MAY 09 2006, 2006

JAMES L. WARREN
Hon. James L. Warren, Judge of the Superior
Court of the State of California

PROOF OF SERVICE BY MAIL

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STATE OF CALIFORNIA)
) ss.:

RUSSELL BRIMER vs. FAYGO BEVERAGES
CGC-05-447595

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 6080 Center Drive, Suite 800, Los Angeles, CA 90045-1574.

On May 30, 2006, I served on interested parties in said action the within:

NOTICE OF ENTRY OF ORDER GRANTING MOTION TO QUASH SERVICE OF PROCESS UPON FAYGO BEVERAGES, INC.

by placing a true copy thereof in sealed envelope(s) addressed as stated below.

Laralei S. Paras
Daniel Bornstein
Christopher L. Brooke
HIRST & CHANLER, LLP
2560 Ninth Street
Parker Plaza, Suite 214
Berkeley, CA 94710-2565

Tel: (510) 848-8880
Fax: (510) 848-8118

I am readily familiar with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

Executed on May 30, 2006, at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Theresa Welsch

(Type or print name)

TS

(Signature)